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09/745,151	12/19/2000	Jerry Mizell	11518RRUS01U	7170

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P.O. Box 670007
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EXAMINER

DAVIS, TEMICA M

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,151

Applicant(s)

MIZELL ET AL.

Examiner

Temica M. Davis

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-22 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed March 29, 2004 have been fully considered but they are not persuasive.

Applicant argues that Olkkonen fails to disclose QoS logic circuitry for determining an implied QoS based upon a TLLI received from a base station. Applicant further argues that Olkkonen uses codes to specify a QoS.

Although Olkkonen uses codes to determine QoS, Olkkonen also teaches in another embodiment that the use of a TLLI number can be used to determine QoS. Olkkonen discloses that a subscriber can be identified on the basis of a TLLI number sent in a header frame and that the priority class (which can be the same as the QoS, col. 4, lines 61-62) can be determined based on the connection and/or the application. As shown, the TLLI number identifies each connection between the mobile station and the SGSN node (col. 4, lines 1-8).

Therefore, Olkkonen taken alone or in combination with other prior art, reads on the language as presently claimed, in that the QoS is implied in the TLLI number. The rejection to the claims stands as set forth below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 8, 14, 15, 18-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Olkkonen et al (Olkkonen), U.S. Patent No. 6,407,999.

Regarding claim 1, Olkkonen, discloses a GPRS capable mobile terminal, comprising: processing circuitry for receiving and transmitting data and voice signals; and QoS logic circuitry for determining an implied QoS rating based upon a TLLI number received from a base station (col. 1, line 67-col. 2, line 11, col. 4, lines 1-12, col. 4, line 61-col. 5, line 27).

Regarding claim 2, Olkkonen discloses the GPRS capable mobile terminal of claim 1 further comprising audio processing circuitry for converting analog voice signals into communication signals and for converting communication signals into analog voice signals (inherent to a mobile phone) (figure 1).

Regarding to claim 3, Olkkonen discloses the GPRS capable mobile terminal of claim 2 further comprising a microphone coupled to provide analog voice signals to the audio processing circuitry (inherent to a mobile phone) (figure 1).

Regarding claim 4, Olkkonen discloses the GPRS capable mobile terminal of claim 2 further comprising a speaker coupled to receive analog voice signals from the audio processing circuitry (inherent to a mobile phone) (figure 1).

Regarding claim 8, Olkkonen discloses a method in a mobile terminal for determining an assigned quality of service (QoS) rating and for requesting system resources, comprising: receiving a temporary logical link identifier (TLLI) within a Gb interface signal from a base station, which TLLI was generated by a serving GPRS support node; and inferring an assigned QoS rating by analyzing the value of the TLLI to determine a TLLI grouping and corresponding QoS rating (col. 1, line 67-col. 2, line 11, col. 4, lines 1-12, col. 4, line 61-col. 5, line 27).

Regarding claim 14, Olkkonen discloses a GPRS capable mobile terminal, comprising: radio circuitry for transmitting and receiving communication signals over a wireless medium; audio circuitry for converting audio signals to sound and sound signals to audio; and logic circuitry for determining a quality of service (QoS) rating based upon a received communication signal's numerical characteristics (col. 1, line 67-col. 2, line 11, col. 4, lines 1-12, col. 4, line 61-col. 5, line 27).

Regarding claim 15, Olkkonen discloses the GPRS capable mobile terminal of claim 14 wherein the logic circuitry determines the QoS rating based upon the numerical characteristics of a received TLLI number (col. 1, line 67-col. 2, line 11, col. 4, lines 1-12, col. 4, line 61-col. 5, line 27).

Regarding claim 18, Olkkonen discloses the GPRS capable mobile terminal of claim 14 wherein the mobile terminal transmits its QoS rating to a base station every time it requests communication resources (col. 1, line 67-col. 2, line 64).

Regarding claim 19, Olkkonen discloses the GPRS capable mobile terminal of claim 14 wherein the mobile terminal transmits a number whose characteristic reflects

its QoS rating to a base station every time it requests communication resources (col. 1, line 67-col. 2, line 64).

Regarding claim 20, Olkkonen discloses the GPRS capable mobile terminal of claim 19 wherein the number is a TLLI number(col. 1, line 67-col. 2, line 64).

Regarding claim 21, Olkkonen discloses21. A wireless transmitter, comprising: circuitry for receiving a signal comprising a number reflecting a QoS rating and for determining the QoS rating for wireless transmissions based upon a characteristic of the number; and circuitry for transmitting, over a wireless communication link, a second signal comprising the number reflecting the QoS rating and for determining the QoS rating for wireless transmissions based upon a characteristic of the number (col. 1, line 67-col. 2, line 11, col. 4, lines 1-12, col. 4, line 61-col. 5, line 27).

Regarding claim 22, Olkkonen discloses the wireless transmitter of claim 21 wherein the number is a TLLI number (col. 1, line 67-col. 2, line 11, col. 4, lines 1-12, col. 4, line 61-col. 5, line 27).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 6, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olkkonen in view of Monrad et al (Monrad), U.S. Patent No. 6,208,628.

Regarding claims 5, 6, 12 and 13, Olkkonen discloses the GPRS capable mobile terminal of claims 1 and 14 as described above.

Olkkonen, however, fails to disclose wherein the QoS logic circuitry defines logic that prompts the mobile terminal to transmit a previously received TLLI number to a base station each time it registers its presence or when it request resources.

In a similar field of endeavor, Monrad discloses a method for providing a unique temporary ID of a mobile station. Monrad further discloses wherein a MS is prompted to send a previously received TLLI number to a base station each time it registers its presence or when it requests resources (col. 1, line 41-col. 2, line 6).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Olkkonen with the teachings of Monrad for the purpose of ensuring to sufficiently identify a MS when it moves to a new location.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olkkonen in view of Krishnamoorthy et al (Krishnamoorthy), U.S. Patent No. 6,636,500.

Regarding claim 7, Olkkonen discloses the GPRS capable mobile terminal of claim 1 wherein the QoS logic circuitry defines logic that prompts the mobile terminal to determine a QoS rating assigned to it based upon a value of a received TLLI number as described above.

Olkkonen, however, fails to disclose wherein the MS transmits communication signals at a data rate that corresponds to the determined QoS rating.

In a similar field of endeavor, Krishnamoorthy discloses a medium allocation method. Krishnamoorthy further discloses wherein a user data rate requirement is a function of the QoS.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Olkkonen with the teachings of Krishnamoorthy since it is known that the data rate used in communications is related to the QoS the MS has.

7. Claims 9-11, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olkkonen.

Regarding claims 9-11, 16 and 17, Olkkonen discloses the GPRS terminal of claims 8 and 14 as described above. Olkkonen, however, fails to disclose whether the TLLI is an even or odd number.

The examiner, however, contends that at the time of invention, such a feature would have been obvious to a person of ordinary skill in the art since it is known that numbers (even/odd) are widely used to differentiate between various things. Specifically, such feature would have been obvious to help the mobile terminal determine the QoS the communication unit would be using.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached Monday-Friday (alternate Fridays) from 9:00am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika Gary can be reached on (703) 308-0123. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temica M. Davis
Examiner
Art Unit 2681

July 7, 2004


TEMICA M. DAVIS
PATENT EXAMINER